

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

In the May 31, 2006, Final Office Action, claims 1, 4, 7, and 10 were rejected. In the present response, claim 1 was amended to cover the following combinations of diols: hydrogenated bisphenol A with 1,10-decanediol; hydrogenated bisphenol A with 1,6-hexanediol; neopentyl glycol with 1,6-hexanediol; and 1,3-propanediol with 1,5-pentanediol further with 1,6-hexanediol (see the previous version of claim 1 for support). The hydroxy-C2-C4-alkyl (meth)acrylate component has been amended to be selected from group consisting of hydroxyethylacrylate and hydroxypropylacrylate (see page 4, lines 10-14, for support). Applicants reserve the right to file claims covering the deleted subject matter in further divisional, continuation, and/or continuation-in-part applications.

Claims 1, 4, 7, and 10 are thus pending. No new matter was added.

### ***Rejections Under 35 U.S.C. § 103(a)***

Claims 1, 4, 7, and 10 were rejected under 35 U.S.C. § 103(a) as being obvious over WO 01/25359. Applicants respectfully traverse these rejections.

In the interest of furthering prosecution of the present application, Applicants have amended claim 1 to reflect the combinations of diols and hydroxy-C2-C4-alkyl (meth)acrylates found in the 132 Declaration submitted along with the Response to the December 19, 2005, Non-Final Office Action. In further support of amended claim 1, Applicants submit herewith an additional 132 Declaration, signed by Dr. Carmen Flosbach, demonstrating testing of diol combinations from the previous 132 Declaration with either hydroxyethylacrylate or hydroxypropylacrylate. The combination of the two 132 Declarations should be sufficiently commensurate with the scope of claim 1 so as to demonstrate patentability of the invention. Applicants believe that the additional 132 Declaration satisfies 37 C.F.R. § 1.116(e) because (1) the additional evidence was unavailable at the time Applicants responded to the December 19, 2005, Non-Final Office Action; (2) the evidence demonstrates the unexpected results for the various diol combinations when used with either hydroxyethylacrylate or hydroxypropylacrylate; and (3) the additional evidence, in

combination with the amendments to claim 1 and the previous 132 Declaration, should place the application in condition for allowance.

In relation to the ranges in claim 1, the Examiner noted that "a limited showing of criticality is insufficient to support a broadly claimed range." Criticality of a range is only at issue, however, where the range is needed to establish the nonobviousness of the invention. See MPEP § 2144.05(III). Here, Applicants have made no assertion, and require no assertion, that the ranges in claim 1 are critical to the nonobviousness of the claim. The ranges are not critical to the *patentability* of the claim 1 invention but rather are important to the *operability* of the invention. Applicants' specification confirms the purpose of the claim 1 ranges at page 2, line 31 – page 3, line 9 and page 4, lines 1-9.

Because claims 4, 7, and 10 are dependent claims, which recite even further limitations to the claim that has already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner's assertion that claims 4, 7, and 10 are obvious over WO 01/25359.

### Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be any additional fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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